

EXHIBIT A

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 MDL NO. 3076

4 CASE NO: 1:23-md-03076-KMM
5
6

7 IN RE: FTX Cryptocurrency Exchange)
8 Collapse Litigation,)
9)

10
11
12 VIDEOTAPED DEPOSITION

13 VIDEO CONFERENCE DEPOSITION OF
14 DEFENDANT CREATORS AGENCY, LLC
15 RULE 30(b)(6) REPRESENTATIVE

16 ERIKA KULLBERG

17 (Also in Her Individual Capacity)

18
19 THURSDAY, FEBRUARY 1, 2024

20
21 REPORTED BY:

22 DENISE D. HARPER-FORDE
23 Certified Shorthand Reporter (CSR)
Certified RealTime Reporter (CRR)
Certified LiveNote Reporter (CLR)
24 Registered Professional Reporter (RPR)
Notary Public (FLORIDA)

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

28

1 name, but it was in Orlando.

2 Q. And did you attend Fin Con
3 2022 -- let me start that over.

4 In what capacity did you
5 attend Fin Con 2022?

6 ATTORNEY ADAMS: Objection.

7 Vague.

8 (BY ATTORNEY KAYE) :

9 Q. What was the answer?

10 A. The answer is, I didn't attend
11 in a specific capacity.

12 Q. You were there for what
13 purpose?

14 A. I was there as myself.

15 Q. Did you participate in any of
16 the events?

17 ATTORNEY ADAMS: Objection. I
18 mean, ask a question specific to
19 FTX.

20 (BY ATTORNEY KAYE) :

21 Q. When you attended Fin Con
22 2022, you were still working with
23 Creators Agency; right?

24 A. Yes.

25 Q. And there was still --

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

29

1 Creators Agency was still working with
2 FTX US as one of its Brands?

3 ATTORNEY ADAMS: Objection as
4 to form.

5 THE WITNESS: Yes.

6 (BY ATTORNEY KAYE):

7 Q. Who were some of the Creators
8 that you had working with FTX US?

9 ATTORNEY ADAMS: Objection as
10 to vague. It's the US piece, Joey.
11 She has already said that she is not
12 sure of the distinction. That is all
13 I'm trying to clarify here.

14 (BY ATTORNEY KAYE):

15 Q. Okay. Fair enough. So who
16 were some of the Creators that you had
17 working with FTX?

18 A. What is the relevant time
19 period?

20 Q. At any point?

21 A. Of some of the Creators that
22 worked with an FTX entity include
23 Graham Stephan, Jaspreet Singh, Marco
24 Whiteboard Finance, Deadnsyde, Jeremy
25 Lefebere.

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

39

1 A. I can't recall. If you want
2 to pull up the contracts, we can
3 look.

4 Q. For any of the content that
5 you created for FTX. This is 2021 up
6 until they filed bankruptcy. Did you
7 remove any of it from any of the
8 platforms you originally posted it
9 on?

10 ATTORNEY ADAMS: Objection.

11 THE WITNESS: Yes.

12 (BY ATTORNEY KAYE) :

13 Q. When did you do that?

14 A. I don't recall, but it was
15 close to bankruptcy date.

16 Q. After the bankruptcy date?

17 A. I don't recall.

18 Q. What was your reason for
19 removing the contents?

20 ATTORNEY ADAMS: Objection.

21 Instruct her not to answer. It has no
22 bearing whatsoever on jurisdiction.

23 (BY ATTORNEY KAYE) :

24 Q. So you are an accomplished
25 YouTube-er; right? You have millions

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

42

1 country. I know it provides US.

2 Those are the specifics that I am
3 aware of.

4 Q. Okay. Do you know if it
5 provides Cities?

6 A. I don't know.

7 Q. Have you ever checked?

8 A. I have checked the geography,
9 and I don't see the City on it. When
10 I check the geography, you see the
11 countries and percentage.

12 Q. Is geography like a tab that
13 you can click on to look at?

14 A. I don't recall, but I don't
15 think it's a tab on its own. I think
16 it's probably grouped in with other
17 things, but I don't know 100
18 percent.

19 Q. Okay. Now, if I told you that
20 the video -- the page that shows the
21 metrics for the video has the tabs
22 content, traffic source, geography,
23 Cities, viewer gender, date, revenue
24 source, subscription status,
25 subscription source...more.

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

71

1 Q. Now, I will PDF it to send it
2 to the Court Reporter. I use my
3 computer in dark mode, because I'm
4 staring at the screen for like 16
5 hours a day. So it will be flipped
6 when it's a PDF, but it will be the
7 same document.

8 Do you see that E-mail on my
9 screen?

10 A. Yes, I see that E-mail on your
11 screen.

12 Q. Friday, March 31st, 12:30 in
13 the morning. From me to
14 Erika@CreatorsAgency.CO,
15 Erika@ErikaKullberg.com.

16 Is this the E-mail you're
17 referring to? Does that refresh your
18 recollection?

19 A. I don't recall the specific
20 E-mail, but as I stated I recall
21 receiving an E-mail from your firm.

22 Q. Okay. Do you recall seeing a
23 notice of commencement of action and a
24 request of waiver of service form?

25 A. Again, I don't recall

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

96

1 organization for Creators Agency.

2 Q. Did you prepare it?

3 A. Yes.

4 Q. What is Registered Agents,
5 Inc.?

6 A. Registered Agents, Inc. is a
7 Registered Agent service.

8 Q. What is your understanding of
9 that location? Have you ever been
10 there physically?

11 ATTORNEY ADAMS: Joe, could I
12 just ask can you put the whole
13 document in here or put it in the chat
14 so half of it is not cut off here.

15 ATTORNEY KAYE: Sure. I will
16 put it in the chat.

17 (BY ATTORNEY KAYE):

18 Q. So the question is, have you
19 ever physically been to that location,
20 Erika?

21 A. I have never physically been
22 to the Sheraton Wyoming location.

23 Q. Why did you decide to create
24 the LLC in Wyoming?

25 ATTORNEY ADAMS: To the extent

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024

97

1 that might call for Attorney/Client
2 communication, I remind you not to
3 disclose that.

4 THE WITNESS: I read that --

5 (BY ATTORNEY KAYE) :

6 Q. Did Derek represent you -- go
7 ahead. You read?

8 A. I read that Wyoming was a good
9 state to open a LLC.

10 Q. Why is it a good state to open
11 an LLC?

12 ATTORNEY ADAMS: The document
13 is still not in the chat. Can you go
14 ahead and put that in the chat so that
15 the witness can actually see the
16 document.

17 ATTORNEY KAYE: Yes, I will
18 put it in the chat. We will get to
19 it. I'm asking why did you think
20 Wyoming was a good state to open an
21 LLC?

22 ATTORNEY ADAMS: I am not
23 going to allow additional questions
24 when you're putting half of the
25 document up. Either show the

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
157

1 Q. You said you can answer this
2 to the best of your ability?

3 A. I can. What is the time
4 frame? And who are we speaking about?

5 Q. The time frame would be from
6 August, 2021 through November, 2022?

7 A. So list the States where
8 independent contractors are located?

9 Q. Yes, to the best of your
10 ability. Does Creators Agency have
11 any records of this? Like where these
12 people were located?

13 A. I'm not sure.

14 Q. Okay. So based on memory, to
15 the best of your ability, what States
16 were the independent contractors
17 located in?

18 A. Nevada. That is it.

19 Q. That is all you remember?

20 A. No, that's it.

21 Q. What about the Creators from
22 August, 2021 through November, 2022?

23 A. That I can try to answer for
24 specific Creators, but I don't know
25 everyone. I can answer for the

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
162

1 have an awareness of that?

2 A. No, that is not something that
3 I recall. I would have recalled or
4 that I recalled. But I just saw the
5 document probably in the last few days
6 because of prep.

7 Q. And both as a representative
8 of Creators and individually, your
9 answer is the same? Your awareness of
10 Miami being in the talking points came
11 a couple of days ago?

12 A. Yes, my answer is the same.

13 Q. Did you ever travel to Miami
14 for anything FTX related?

15 A. No, I did not.

16 Q. Did you ever attend Bitcoin
17 2021?

18 A. No, I did not.

19 Q. Did you attend Bitcoin 2022?

20 A. No, I did not.

21 ATTORNEY ADAMS: Object.

22 (BY ATTORNEY KAYE):

23 Q. Did you go to any Miami Heat
24 games?

25 ATTORNEY ADAMS: Objection. I

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
168

1 for it's Creators?

2 ATTORNEY ADAMS: Objection.

3 Instruct not to answer, unless it is
4 tide some way to Florida.

5 ATTORNEY KAYE: You know where
6 I'm going with this, Derek. If there
7 is analytics, and it shows any kind of
8 geographical location, we need to know
9 that.

10 ATTORNEY ADAMS: That's a fair
11 question, but that wasn't the one you
12 asked. You can ask that question.

13 ATTORNEY KAYE: Yes, because I
14 lead into it. Give me a little bit of
15 leeway, so that there is less that we
16 have to go to the Magistrate Judge on
17 would be great. We are rounding out
18 the 4 hours on the record.

19 (BY ATTORNEY KAYE):

20 Q. So, the first question Erika,
21 did Creators Agency ever create any
22 reports on promo code usage or any
23 kind of analytics for the Creators?

24 A. I don't believe we had that
25 information, no.

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
172

1 BEGINNING"

2 * * * *

3 ATTORNEY ADAMS: Hold on.

4 Objection. I'm going to designate
5 this portion of the transcript as
6 "confidential". Beyond the scope of
7 what you're permitted to ask about.
8 Instruct the witness not to answer.

9 You can answer specifically if
10 it relates to Florida tracking.

11 THE WITNESS: No. --

12 (BY ATTORNEY KAYE) :

13 Q. -- that you are aware?

14 A. No, there are no analytics
15 related to Florida that I am aware of,
16 that FTX provided to either Creators
17 Agency or Creators.

18 Q. Or that Creators Agency
19 collected on its own?

20 A. Or that Creators Agency
21 collected on its own.

22 Q. Okay. For any of these
23 scenarios, did you ever ask or
24 check?

25 A. No. For analytics

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
176

1 US.

2 Q. Okay. Do you ever ask to have
3 it broken down By State?

4 A. No.

5 Q. Could you have?

6 A. Sorry?

7 Q. Could you have?

8 A. "Could" or "should"?

9 Q. "Could", C-O-U-L-D. Could you
10 have?

11 A. I did not know this was an
12 option until you showed me today.

13 Q. Okay. I'm sure you will check
14 after this.

15 So the answer is "no", you
16 only ever asked about US versus
17 international?

18 A. The only geographical data we
19 have ever asked Creators for is what
20 percent of their audience is based in
21 is specific country.

22 Q. Okay. And did you ever do
23 this for FTX? Any of the FTX
24 content?

25 A. Did FTX ever request this?

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
177

1 Q. No. Did you ever request it
2 from the Creators about any of the FTX
3 content that they created?

4 A. No.

5 Q. Did anybody at Creators Agency
6 request it?

7 A. Not that I am aware.

8 Q. Did anybody at FTX request
9 it?

10 A. Not that I am aware.

11 Q. So same for Creators Agency.
12 Did Creators Agency ever collect any
13 geographical tracking data for content
14 that was generated by the Creators?

15 A. Again, for Creators Agency we
16 have asked for geographical data as to
17 what percent of their audience as a
18 whole is in a specific country.

19 Q. Okay. And so that would be
20 data coming from the Creators
21 themselves; right?

22 A. As opposed to?

23 Q. As opposed to Creators Agency
24 doing their own analysis and
25 collecting their own data?

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
193

1 | CROSS EXAMINATION

2 (BY ATTORNEY ADAMS):

3 Q. Ms. Kullberg, just a few
4 follow-up questions here. So Mr. Kaye
5 was asking you about geographical
6 data, and you talked a little bit
7 about that. I want to make sure we
8 are clear on it.

9 Did Creators Agency track
10 State-By-State data of it's Creators
11 for any purpose?

12 A. No.

13 Q. Okay. Did FTX ever ask you to
14 track State-By-State data for any
15 purpose?

16 A. No.

17 Q. Did you ever talk to anyone at
18 FTX about tracking data as it relates
19 to posts, videos, et cetera being
20 watched in Florida?

21 A. No.

22 Q. Did you ever talk to anyone at
23 FTX in terms of targeting of
24 Florida?

25 A. No.

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
194

1 Q. Did you or Creators Agency
2 post any videos or make any posts that
3 targeted Florida?

4 A. No.

5 Q. You mentioned Jack Roberts in
6 your testimony. What is your
7 understanding of where Jack Roberts
8 was when you spoke with him?

9 A. My understanding is he was
10 between Chicago and New York.

11 Q. There is a name I want to ask
12 you if you or Creators Agency to your
13 knowledge has had any contact with,
14 and that is Avinash Dabir.

15 Do you recognize Avinash
16 Dabir?

17 A. No, I do not.

18 Q. Okay. And you mentioned the
19 conference in 2022 earlier today. Do
20 you recall testifying about that?

21 A. I'm sorry. Which conference?

22 Q. The Bitcoin conference in
23 Orlando that you mentioned September
24 -- I think you said September of 2022.
25 Is that right?

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
197

1 CERTIFICATE OF OATH

2 (VIDEO CONFERENCE PROCEEDINGS)

3 * * * *

4 UNITED STATES DISTRICT COURT)
5 SOUTHERN DISTRICT OF FLORIDA)

6 I, DENISE D. Harper-Forde,
7 shorthand Reporter and Notary Public,
8 certify that ERIKA KULLBERG, appeared
9 before me and was duly sworn on the
10 1st day of February, 2024.

11
12 WITNESS my hand and official seal
13 this 2nd day February, 2024.

14
15 Denise HarperForde

16
17 DENISE D. Harper-Forde, RPR, CRR, CLR
18 Notary Public - State of Florida
My Commission Expires: 12-27-2025
My Commission No: HH 211163

19
20
21 Personally Known as, ERIKA
22 KULLBERG, produced a US Passport.

ERIKA KULLBERG 30(b)(6)
IN RE: FTX CRYPTOCURRENCY EXCHANGE

February 01, 2024
198

1 C E R T I F I C A T E

2 * * * *

3 I, Denise D. Harper-Forde,
4 Registered Professional Reporter and
5 Notary Public in and for the State of
6 Florida at large, do hereby certify
7 that I was authorized to and did
8 stenographically report the deposition
9 of ERIKA KULLBERG; and that the
10 foregoing pages are a true and correct
11 transcription of my stenographic notes
12 of said deposition.

13 I further certify that said
14 deposition was taken at the time and
15 place hereinabove set forth, and that
16 the taking of said deposition was
17 commenced and completed as hereinabove
18 set out.

19 I further certify that I am not an
20 attorney or counsel of any of the
21 parties, nor am I a relative or
22 employee of any attorney or counsel of
23 party connected with the action, nor
24 am I financially interested in the
action.

25 The foregoing certification of
26 this transcript does not apply to any
27 reproduction of the same by any means
28 unless under the direct control and/or
29 direction of the certifying Reporter.

30 DATED this 2nd day of February, 2024

31 Denise HarperForde

32 DENISE D. Harper-Forde, RPR, CRR, CLR
33 Notary Public - State of Florida
34 My Commission Expires: 12-27-2025
35 My Commission No: HH 211163